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**Government of the District of Columbia**



**Office of the Deputy Mayor for  
Public Safety and Justice**

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Testimony of  
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*District of Columbia Consolidated Laboratory Facility*

United States House of Representatives  
Committee on Government Reform  
Representative Tom Davis, Chair  
Representative Henry Waxman, Ranking Member

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Room 2154  
Rayburn House Office Building  
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Good morning Chairperson Davis, Ranking member Waxman and members of the Committee. I am Ed Reiskin, Deputy Mayor for Public Safety and Justice in the District of Columbia. On behalf of Mayor Anthony Williams, I would like to thank you for the opportunity to provide a brief statement on the subject of the District's Consolidated Laboratory Facility, a topic that is of vital importance to the District of Columbia and all of the state and federal stakeholders that comprise the District's criminal justice system.

The Consolidated Laboratory Facility will be a state-of-the art facility that will house the Metropolitan Police Department Forensics Crime Laboratory, the entire operations of the Office of the Chief Medical Examiner, the Department of Health Public Health Laboratory, and the Pretrial Services Agency forensic toxicology drug testing laboratory, and will serve a wide range of District forensics and other criminal investigative needs. This facility will provide the District a major opportunity to enhance and expand existing agency functions and create new capabilities and expertise in areas currently unavailable in the District.

Among the significant benefits of the Consolidated Lab are: the enhanced capability to solve crimes through expedited, in-house forensics analysis and direct access to police and medical examiner investigations; improved and expedited detection of and response to biological or chemical agents and communicable diseases; state-of-the-art facilities to support death investigations; and greater coordination, communication, and standardization among the three agencies both day-to-day and in the event of major crimes and emergencies. This project also will address the inadequacy of the existing facilities that serve these critical functions. Currently these agency functions are either housed in outmoded facilities with limited space or lack their own laboratory facilities.

There is strong federal interest for this Consolidated Lab in the District. The federal benefit stems from having a safer nation's capital since the District of Columbia is the seat of the federal government, and from an enhanced bioterror response. Although, the majority of daily functions the Consolidated Lab will perform are local government public health and public safety in nature, due to the core public safety dimension of the new facility, federal agencies ranging from the US Park Police, the US Capitol Police, the US Marshals, and the US Attorney, will all utilize the services of the new laboratory on a daily basis. As such, the District has formally proposed a local federal cost sharing plan for the consolidated laboratory construction in which the District funds 63% of the overall design and construction, and the federal government bears 37% of the total project costs.

### Crime Investigation Needs

Forensic laboratory functions are crucial to the timely investigation and successful prosecution of various types of crime including many deaths in the District of Columbia. While literally tens of thousands of items of evidence are collected at the scenes of violent crimes in the District of Columbia each year, the forensic analysis of this evidence must be prioritized because of the lack of resources. This prioritization

although necessary, means some cases that could benefit from forensic analysis languish for extended periods of time, leaving these cases unsolved and justice not served.

While many States have enjoyed significant success in closing violent crimes as a result of advancements in DNA and the creation of DNA databases, the District of Columbia has lagged far behind due to a lack of an adequate state/local forensic laboratory. As other jurisdictions are eliminating their DNA backlog and are looking to begin DNA analysis on more than just violent crimes, the District has about 1,500 sexual assault cases backlogged and is also expecting the violent crime backlog to grow between 100-200 cases a year, until the new Consolidated Lab is operational. In fact, the District of Columbia is among the worst jurisdictions in the country in terms of DNA profile contributions to the National DNA Database (CODIS), a statistic that further hampers DC law enforcement's ability to contribute to criminal investigations throughout the DC Metropolitan area. Yet, the District cannot provide these services, and the turn-around time for analyses by our federal partners is often a year or longer. In rare instances due to deadlines, the attorneys' offices may test their evidence privately at higher costs. There are many times when DNA analyses are simply unavailable to support prosecutions.

For the Metropolitan Police Department, the lab will provide in-house capacity for performing analysis of DNA evidence, trace evidence, questioned documents, computer crimes, and drug tests. Currently, the District relies on a number of other agencies (e.g., FBI, DEA, ATF, and U.S. Secret Service) for these forensic laboratory functions. However, in relying on these agencies to perform evidence analysis, receipt of test results is often not as fast as desired, which can negatively impact prosecution of criminal cases. It is essential that the Metropolitan Police Department be more self-reliant so that the District can employ forensic analysis on a greater variety and number of cases with a faster turnaround, thereby enhancing its capacity to solve crimes.

FBI lab officials estimate that 30 percent of its overall caseload is from the District. Beginning in FY 2007, the District will increase by \$400,000 the current commitment of \$800,000 for the hiring of a total of 20 lab technicians and examiners to work on District criminal investigations within the FBI lab. Through an MOU with the FBI, these technicians and examiners will be provided the space, equipment and supplies on a limited basis by the FBI. Under the MOU, the FBI decides which cases will be worked and to what extent, though the Bureau has been a very good partner in working with the District on prioritization and related issues. Backlogged cases are not part of the MOU. The FBI has committed to help the District coordinate the audit and assessment of the District's new lab in accordance with best practices. The FBI processes evidence from District cases only from a portion of the most violent crimes – homicides, sexual assaults, and – on occasion and at the request of the Metropolitan Police Department – very violent assaults or robberies. Other robbery and burglary cases that could be helpful in closing other cases are not accepted by the FBI for processing.

The pivotal shifting role of the federal justice agencies in local law enforcement forensic analysis for the District of Columbia and other jurisdictions across the country bears particular note. Historically many smaller law enforcement departments across the US enjoyed ready access to the FBI laboratory for evidence analysis. For many years because of the Metropolitan Police Department's key law enforcement role in the nation's capital, it and other local justice system agencies in the District enjoyed especially strong, timely and professional forensic laboratory support by the Bureau. The FBI's mission and resource priorities changed on September 11, 2001 and since that time, entirely understandably, the Bureau has steadily reduced resources available for DC cases.

The Office of the Chief Medical Examiner investigates and certifies all deaths in the District of Columbia that occur as the result of violence (injury) as well as those that occur unexpectedly, without medical attention, in custody, or pose a threat to public health. The Office of the Chief Medical Examiner will transfer to the new state-of-the-art facility existing functions that are now performed at their current facility located at the DC General Hospital campus. Toxicology and Serology lab capabilities will be enhanced by increasing the size of testing facilities and improved efficiencies and response times.

#### Public Health and Bioterrorism needs

The District's public health laboratory facilities lack the space and capabilities that the District's bioterrorism response demands. The new Public Health Laboratory will be able to provide Laboratory Response Network (LRN) approved rapid identification of bioterrorism agents and clinical diagnostic support for hospitals with potential victims of biological, chemical or toxin exposures. To safely handle terrorism agents, Bio-Safety Level 3 (BSL-3) containment facilities are required. Our current facilities, which are 64 years old and co-located in an office environment, cannot be upgraded beyond our current BSL-2 containment level due to lack of space and facility location. A new facility with proper BSL-3 containment facilities will permit various agents of bioterrorism (including anthrax, tularemia, ricin and others) to be safely processed in our laboratory. BSL facilities also are required by conventional forensic disciplines to conduct forensic examinations on biologically-contaminated evidence to determine who perpetrated the act. The importance of Metropolitan Police Department forensic sections lending forensic support to Public Health in the investigation of criminal terrorist acts is therefore very significant. Co-locating these laboratory functions will facilitate this effort.

In addition, the Public Health Lab will be able to provide clinical diagnostic support for routine and emerging infections such as Influenza, tuberculosis, West Nile Virus, SARS and other viruses. The new facility would also provide the necessary environment for secure storage of select biological and chemical agents. Finally, agents of chemical terrorism likely to be added to food, medications, water, etc. would also be screened within the security of this new laboratory.

### The Benefits of a Combined Facility

The District will benefit considerably from having a single lab with forensics, medical examination, and public health facilities available in close proximity. Coordination between clinical diagnostics, post mortem examinations and forensic investigations are essential to a rapid agent identifications and consequence management. Initial capital outlay for the construction of one laboratory facility equipped with one BSL-3 facility for use by multiple services is substantially lower than constructing three separate laboratories with one of them as a single BSL-3 facility. And lastly, maintenance and operation of a shared facility will be significantly lower than the maintenance of three facilities. For example, one waste contract could be executed along with one contract for engineering and maintenance of the facility. Also, security costs could be shared.

Furthermore, the routine transportation of evidence introduces risks of contamination or degradation, and incurs burdens of logistical use of resources and maintaining a documented chain of custody. The risks of contamination and degradation are accelerated much more by the improper long-term storage of all of the backlogged evidence that is not processed. Biological evidence is currently maintained at ambient temperature; rising to over 100 degrees for days on end in the summer and lowering to below zero in the winter time. This constant cycling of hot and cold destroys biological evidence and counteracts the hard fought legislation (*i.e.* Millicent Allewelt act) designed to preserve it. Proper laboratory analysis permits thorough investigation of public safety and public health concerns, and has become the "industry standard" for such pursuits. Regrettably, the District is not meeting that standard uniformly.

Locating the D.C. Pretrial Services Agency forensic toxicology drug testing lab in the new laboratory building will provide Pretrial Services with state-of-the-art facilities for performing drug tests, resulting in increased operating efficiency, shorter turn-around times of its drug testing, and improved assessment of offenders. Pretrial Services and the Office of Chief Medical Examiner utilize similar toxicology testing equipment and have the potential to share training, equipment, and material support.

### Costs of a State-of-the-Art Lab

We have made significant progress in programming and other planning for the Consolidated Lab. During FY 2005 we completed a Site Selection Study as well as a Program Study that calls for a 300,000 SF facility. We are close to selecting the final site for the Lab. During this fiscal year we are continuing to refine our plans for the Lab's operations, and just last month awarded a design contract. We plan to initiate construction in the fall/winter of 2007, with completion expected by 2010. The Mayor has dedicated a total of \$10.3 million in District capital funds for the Consolidated Lab since FY 2005, supplemented by a total of \$13 million in federal funding. The Mayor has also proposed \$75 million in local funds both in FY 2008 and FY 2009 to finance the

bulk of the construction costs, the balance of which are proposed for federal funding. The total amount is currently estimated at \$253 million.

The single most significant federal support we need in the District at this time to continue the reduction in crime is continued federal funding for the construction of the lab to supplement the considerable local resources the District is committing. There will be significant federal benefits, both in terms of enhanced capability for the District government agencies that provide for the response to incidents that may occur on federal property in the District and in terms of freeing capacity of federal agencies that currently perform District laboratory work.

To support our crime fighting efforts, the District needs its own crime laboratory and one that is capable of taking full advantage of the latest in DNA and other forensics technology. This state-of-the-art Consolidated Forensic Lab can be used to solve many crimes including murder, rape, robbery, and any other crime where biological material from the criminal was left behind at the scene, and its use must be maximized to achieve the true potential of the technology. The District is confident that bringing this capability in-house will result in significantly increased clearance rates for homicides and rape cases.

Thank you again for the opportunity to testify on the District's progress in implementing the Consolidated Laboratory Facility project. I am available to answer the Committee's questions on this important and exciting project.